

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIMOTHY GARCIA,)	CASE NO. 1:17-cv-1090
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION AND
)	ORDER
WARDEN LASHANN EPPINGER,)	
)	
RESPONDENT.)	

Before the Court is the report and recommendation of Magistrate Judge George J. Limbert, recommending that Timothy Garcia's ("petitioner") petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Doc. No. 9.)

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The fourteen-day period has elapsed, and no objections have been filed nor has any extension of time been sought. The failure to file written objections to a magistrate judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813, 814–15 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

The Court has reviewed Magistrate Judge Limbert's report and recommendation and accepts and adopts the same. Accordingly, petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED in its entirety with prejudice, and this case is DISMISSED. The Court certifies that an appeal from this decision could not be taken in good faith and that there is no basis upon which to issue a certification of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: June 5, 2020



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE